

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT HENRY CHIPMAN,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF SOCIAL AND HEALTH SERVICES,

Defendant.

Case No. 3:23-cv-05807-TMC

ORDER DISMISSING CASE

This matter comes before the Court on its own motion. On March 13, 2024, the Court granted Defendant Washington State Department of Social and Health Services' ("DSHS") motion to dismiss but granted Mr. Chipman leave to file an amended complaint to cure the deficiencies identified in the order by April 10, 2024. Dkt. 16 at 3. On March 26, 2024, the family of Plaintiff Robert Henry Chipman mailed documents to the undersigned judge, including a death certificate, informing the Court that Mr. Chipman had passed away. Dkt. 17-1. On March 28, 2024, the Court found that Mr. Chipman's Section 1983 claims were not extinguished by his death and that Mr. Chipman's family's notice to the Court triggered a 90-day period during which "proper" parties could move to substitute themselves for him in this case under Federal Rule of Civil Procedure 25. 1 See Dkt. 17 at 1–2. On June 12, 2024, within the 90-day period,

1 Mr. Chipman's mother, Laura Jean Chipman, moved to substitute herself for Mr. Chipman. Dkt.  
2 20.

3 The Court denied Ms. Chipman's motion on July 22, 2024, but granted her leave to re-  
4 file her motion to address the deficiencies identified in the order by August 12, 2024. Dkt. 22 at  
5 3. This deadline has passed and Ms. Chipman has not made any new filings in this case.  
6 Accordingly, the claims asserted in the complaint are DISMISSED WITH PREJUDICE. *See*  
7 *Frigard v. U.S.*, 862 F.2d 201, 204 (9th Cir. 1988) (claims may be dismissed with prejudice  
8 when they are barred by sovereign immunity and the plaintiff could not redraft their complaint to  
9 avoid dismissal).

10 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
11 to any party appearing pro se at said party's last known address.

12 Dated this 16th day of August, 2024.

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15 Tiffany M. Cartwright  
16 United States District Judge  
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